



#4

DECLARATION

As the below-named inventors, we declare that:

Our residences, post office addresses, and citizenships are as stated below under our names.

We believe we are the original, first, and sole inventors of the invention entitled "ENDOSCOPE SHEATH ASSEMBLIES HAVING AN ATTACHED BIOPSY SAMPLING DEVICE," which is described and claimed in the application and claims of Patent Application No. 10/040,923, which we filed in the United States Patent and Trademark Office on January 4, 2002 and for which a patent is sought.

We have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to herein (if any).

We acknowledge our duty to disclose information of which we are aware which is material to patentability and examination of this application in accordance with 37 C.F.R. § 1.56(a).

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.



Stephen Martone

Date MARCH 15TH 2002

Residence : City of Westford, County of Middlesex
State of Massachusetts
Citizenship : United States of America
P.O. Address : 27 Crown Road
Westford, MA 01886



Katsumi Oneda

Date 3/1/02_____

Residence : City of Alpine, County of Bergen
State of New Jersey
Citizenship : Japan
P.O. Address : 33 Stone Tower Drive
P.O. Box 423
Alpine, NJ 07620

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stephen Martone and
Katsumi Oneda

Attorney Docket No.: 501060.01

Serial No. : 10/040,923

Group Art Unit : 3739

Filed : January 4, 2002

Examiner : Not yet assigned

Title : ENDOSCOPE SHEATH ASSEMBLIES HAVING AN ATTACHED
BIOPSY SAMPLING DEVICE

Commissioner of Patents
Washington, DC 20231

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73(b) AND POWER OF ATTORNEY

Sir:

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment filed concurrently herewith, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

Assignee hereby appoints EDWARD W. BULCHIS, Reg. No. 26,847; PAUL T. MEIKLEJOHN, Reg. No. 26,569; GLENN P. RICKARDS, Reg. No. 29,428; DALE C. BARR, Reg. No. 40,498; KIMTON N. ENG, Reg. No. 43,605; BRIAN C. PARK, Reg. No. 45,519; MARK W. ROBERTS, Reg. No. 46,160; STEVEN H. ARTERBERRY, Reg. No. 46,314; PAUL F. RUSYN, Reg. No. 42,118; ANDREW F. PRATT, Reg. No. 48,985; FRANK J. BOZZO, Reg. No. 36,756; JAMES ACKLEY, Reg. No. 45,695; RONALD BROWN, Reg. No. 29,016; DAVID BRUHN, Reg. No. 36,762; MARK CARLSON, Reg. No. 27,105; KEVIN CHAPPLE, Reg. No. 44,072; W. ROBINSON CLARK, Reg. No. 41,530; SHANE COLEMAN, Reg. No. 44,623; GREGORY DURBIN, Reg. No. 42,503; DANIEL FISHER, Reg. No. 34,162; DAVID FRONEK, Reg. No. 25,678; ANTHONY GANGEMI, Reg. No. 42,565; MICHAEL GILCHRIST, Reg. No. 40,619; THERESA HANKES, Reg. No. 45,501; JOHN HARROP, Reg. No. 41,817; BRAD HATTENBACH, Reg. No. 42,642; REED HEIMBECHER, Reg. No. 36,353; CRAIG HEMENWAY, Reg. No. 44,759; STUART HEMPHILL, Reg. No. 28,084;

MARK HOGGE, Reg. No. 31,622; JOHN KENNEDY, Reg. No. 42,717; JASON KRAUS, Reg. No. 42,765; BRIAN LAURENZO, Reg. No. 34,207; KENNETH LEVITT, Reg. No. 39,747; KURT LEYENDECKER, Reg. No. 42,799; SCOTT MARKS, Reg. No. 44,902; KEITH MONTGOMERY, Reg. No. 45,245; ALDO NOTO, Reg. No. 35,628; LEE OSMAN, Reg. No. 38,260; DEVAN PADMANABHAN, Reg. No. 38,262; JAMES PINTO, Reg. No. 40,774; GARY POLUMBUS, Reg. No. 25,364; SCOTT ROTHENBERGER, Reg. No. 41,277; LEONARD SANTISI, Reg. No. 24,135; ROBERT SCHEFFEL, Reg. No. 43,090; AMI SHAH, Reg. No. 41,143; MIRIAM SOHN, Reg. No. 35,368; HERMES SOYEZ, Reg. No. 45,852; GERALD SULLIVAN, Reg. No. 37,243; MARK THOMAS, Reg. No. 37,953; JON TUTTLE, Reg. No. 25,713; MEGAN VALENTINE, Reg. No. 47,149; LANCE VIETZKE, Reg. No. 36,708; SEAN WOODEN, Reg. No. 43,997; and the attorneys and agents associated with the firm of **DORSEY & WHITNEY LLP, Customer Number 27,076**, as its attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. Please direct all telephone calls to **Dale C. Barr** at (206) 903-8800 and telecopies to (206) 903-8820.

Please direct all communications to:

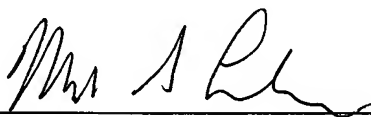
Dale C. Barr, Esq.
Customer No. 27,076
 Dorsey & Whitney LLP
 1420 Fifth Avenue, Suite 3400
 Seattle, Washington 98101
 (206) 903-8800

Pursuant to 37 C.F.R. § 3.73(b), the undersigned duly authorized designee of Assignee certifies that the evidentiary documents have been reviewed, specifically the Assignment to Vision Sciences, Inc., filed concurrently herewith for recording, a copy of which is attached hereto, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

ASSIGNEE

3/15/2002

 DATE



 Mark S. Landman
 V.P. of Operations

Enclosure:
 Copy of Assignment

ASSIGNMENT

WHEREAS, we, Stephen Martone and Katsumi Oneda (hereinafter referred to as ASSIGNORS), having post office addresses of 27 Crown Road, Westford, Massachusetts 01866, and 33 Stone Tower Drive, P.O. Box 423, Alpine, New Jersey, respectively, are the joint inventors of an invention entitled "ENDOSCOPE SHEATH ASSEMBLIES HAVING AN ATTACHED BIOPSY SAMPLING DEVICE," as described and claimed in the specification for which an application for United States letters patent was filed on January 4, 2002 and assigned Application No. 10/040,923.

WHEREAS, Vision Sciences, Inc. (hereinafter referred to as ASSIGNEE), a corporation of the State of Massachusetts having a place of business at 9 Strathmore Rd., Natick, Massachusetts 01760, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

Date 3/15/02

Stephen Martone
Stephen Martone

State of Massachusetts)
County of Middlesex) ss.

I certify that I know or have satisfactory evidence that Stephen Martone is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated March 15th, 2002

Signature of Notary Public Carlos A. Lopez

Printed Name Carlos A. Lopez

My appointment expires 06-13-2008

3/1/02
 Date _____
 State of New Jersey)
 County of Bergen) ss. Katsumi Oneda

I certify that I know or have satisfactory evidence that Katsumi Oneda is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 3/1/02
 Signature of Mariantonia Neidel
 Notary Public _____
 Printed Name MARIANTONIA NEIDEL
 Notary Public, State of New York
 No. 01NE6008174
 My appointment expires Qualified in Orange & Rockland Counties
 Commission Expires June 8, 2002



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stephen Martone and Katsumi Oneda	Docket No. : 501060.01
Serial No. : 10/040,923	Art Unit : 3739
Filed : January 4, 2002	Examiner : Not yet assigned
Title : ENDOSCOPE SHEATH ASSEMBLIES HAVING AN ATTACHED BIOPSY SAMPLING DEVICE	

**STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. §§ 1.9(f) AND 1.27(c)) -- SMALL BUSINESS CONCERN**

I declare that I am attorney of record for the small business concern and empowered to act on behalf of the concern identified below.

NAME OF CONCERN: Vision Sciences, Inc.
ADDRESS OF CONCERN: 9 Strathmore Rd.
Natick, Massachusetts 01760

I declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §§ 121.3-18 and reproduced in 37 C.F.R. § 1.9(d) for purposes of paying reduced fees under 35 U.S.C. §§ 41(a) and 41(b) in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I declare that rights under contract or law have been conveyed to and remain with the small business concern with regard to the invention entitled:

**ENDOSCOPE SHEATH ASSEMBLIES HAVING AN ATTACHED
BIOPSY SAMPLING DEVICE**

by inventors: Stephen Martone and Katsumi Oneda
as described in:

- ☐ the specification filed herewith.
☒ Application No. 10/040,923, filed January 4, 2002.
☐ Patent No. _____, issued _____.

If the rights held by the small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. § 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).*

*NOTE: Separate verified statements are required from each named person, concern and organization having rights to the invention averring to his/its status as a small entity. (37 C.F.R. § 1.27)

FULL NAME _____

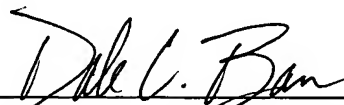
ADDRESS _____

- ☐ individual
☐ small business concern
☐ nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

DATE: March 28, 2002


 Dale C. Barr, Reg. No. 40,498
 Attorney of Record
 Dorsey & Whitney LLP
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 Seattle, Washington 98101